

REMARKS

In the Office Action, the Examiner required that claims for priority based on earlier filed applications be added in the Specification and that the title of the invention be replaced with a new title. The Examiner also rejected claim 6 under 35 U.S.C. § 112, second paragraph, and rejected claims 5 and 6 under 35 U.S.C. § 102(b) as anticipated by Hartmann (U.S. Patent No. 5,679,970).

By the present Amendment, Applicants have replaced the title of the invention with a new title as suggested by the Examiner, and amended the Specification to include claims for priority based on earlier filed applications. Applicants have also amended claims 5 and 6 to more appropriately define their invention. Claims 5 and 6 remain pending in the above-identified patent application.

Applicants respectfully traverse the rejection of claim 6 under 35 U.S.C. § 112, second paragraph. However, in order to expedite prosecution of this case, Applicants have made changes to claim 6, and submit that claim 6, as amended, meets the requirement of 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the rejection of claims 5 and 6 under 35 U.S.C. § 102(b) for the following reasons.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. §102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." "The identical invention must be shown in as complete detail as is contained in the . . . claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. § 2131, 8th ed., 2001.

Claim 5, as amended, recites a method for manufacturing a flash EEPROM cell that includes, *inter alia*, “forming a first control gate by depositing a polysilicon layer partially over the first dielectric layer, exposing at least a portion of the first dielectric layer; forming a second dielectric layer covering the first control gate and the exposed portion of the first dielectric layer; . . . and forming a source and a drain in the silicon substrate, wherein an edge of the first control gate is substantially aligned with an edge of the floating gate and an edge of the source.” Hartmann fails to teach at least these features.

The Examiner apparently alleges that insulator 12 of Hartmann corresponds to Applicants’ claimed “first dielectric layer,” control gate 10 of Hartmann corresponds to Applicants’ claimed “first control gate,” and thin oxide layer 18 of Hartmann corresponds to Applicants’ claimed “second dielectric layer.” Office Action, page 3. However, Applicants submit that, as shown in Fig. 2a of Hartmann, control gate 10 does not expose at least a portion of insulator 12, and thin oxide layer 18 does not cover an exposed portion of insulator 12. Therefore, Hartmann fails to teach at least “forming a first control gate by depositing a polysilicon layer partially over the first dielectric layer, exposing at least a portion of the first dielectric layer; [and] forming a second dielectric layer covering the first control gate and the exposed portion of the first dielectric layer,” as recited in claim 5.

Therefore, claim 5 is allowable over Hartmann, and claim 6 is also allowable at least due to its dependence from claim 5.

In addition, claim 6 recites, *inter alia*, “a sidewall of the first control gate is substantially aligned with a respective sidewall of the second control gate.” In contrast,

Fig. 2a of Hartmann shows that control gate 10, allegedly corresponding to Applicants' claimed first control gate, and erasing gate 22, allegedly corresponding to Applicants' claimed second control gate (Office Action, page 3), do not have respective sidewalls that are aligned to each other. Hartmann clearly fails to teach at least "a sidewall of the first control gate is substantially aligned with a respective sidewall of the second control gate," as recited in claim 6.

Therefore, claim 6 is allowable over Hartmann at least for this reason as well.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims 5 and 6.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____

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*With limited recognition under 37 C.F.R. § 10.9(b)